

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA

v.

DAVEY BARGE JR.

CRIMINAL NO. 7:18-CR-65-001 (HL)

ORDER ON MOTION TO RECEIVE EARNED TIME CREDITS

The defendant has filed a Motion to receive Earned Time Credits. The defendant also requested Court provide counsel for him to assist him in obtaining his Earned Time Credits. This Court has carefully considered the motion and determined the following:

The defendant opines the BOP has failed to grant his Earned Time Credits because of his PATTERN score (High). He also states that his offense of conviction is not considered a qualifying offense, pursuant to 18 U.S.C. § 3632(d)(4)(D). The PATTERN score measures an inmate's risk of recidivism, and their risk of reoffending with an act of violence. A review of BOP records revealed Barge's current Risk Recidivism level is High and his current Security Classification is also High.

BOP policy indicates medium- and high-risk prisoners earn 10 days of credits for each 30 days of programming or jobs completed, and cannot "cash in" these credits unless they first reduce their risk levels to minimum or low. Medium and high-risk prisoners may also petition to redeem their credits, and those petitions can be granted if the warden approves and finds that the prisoner is not likely to reoffend and is not danger to public safety. Barge notes he has submitted a request to the Warden at his facility via email, but the Warden has failed to respond to his request. As a result, it does not appear Barge is eligible to receive Earned Time Credits at this time.

In accordance with 18 U.S.C. § 4042(a)(1), the BOP has charge of the management and regulation of all Federal and penal correctional institutions, to include computation of sentences. As such, the Court lacks jurisdictional authority to compute the defendant's sentence or modify the sentence based on reasons stated by the defendant in his motion.

Based on the above, the Court **DENIES** the defendant's motion.

FURTHER, there is no constitutional or statutory right to appointed counsel for a motion to modify a term of imprisonment under 18 U.S.C. § 3632. As such, the request for appoint of counsel is also **DENIED**.

So ordered this 14th day of July, 2022.



s/Hugh Lawson

HUGH LAWSON

SENIOR U.S. DISTRICT JUDGE